UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY J. WALLS, JANIE AMELIA LEDET,
and PAUL MICHAEL ANDERSON

Appeal 2006-2281
Application 09/974,555
Technology Center 2100

Decided: April 30, 2007

Before JAMES D. THOMAS, JOSEPH F. RUGGIERO, and
HOWARD B. BLANKENSHIP, *Administrative Patent Judges*.

RUGGIERO, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Final Rejection of claims 1-19. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants' claimed invention relates to a system and method for the collective rendering of a display by a plurality of networked slave computers

which are configured at a master computer. A compatible specific operating configuration for the slave computers is communicated across the network to each of the plurality of slave computers.

We affirm.

Claim 1 is illustrative of the invention and it reads as follows:

1. A method for configuring a plurality of networked slave computers to cooperate to collectively render a display comprising:

specifying, at a master computer, compatible operating configuration for each of the plurality of slave computers; and

communicating, across the network, the specified configuration to each of the plurality of slave computers.

The Examiner relies on the following prior art reference to show unpatentability:

Ludtke	US 6,501,441 B1	Dec. 31, 2002 (filed Jun. 18, 1999)

Claims 1-19, all of the appealed claims, stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ludtke.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Briefs and Answer for the respective details. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the Briefs have not been considered and are deemed waived [see 37 C.F.R. § 41.37(c)(1)(vii)].

DISCUSSION

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984); *W.L. Gore and Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983).

With respect to independent claims 1, 8, and 17, the Examiner indicates (Answer 4-6) how the various limitations are read on the disclosure of Ludtke. In particular, the Examiner points to the illustration in Figure 2 of Ludtke as well as the disclosure at column 19, lines 53-66, column 20, lines 41-44, and column 24, lines 26-27 of Ludtke.

In our view, the Examiner's analysis is sufficiently reasonable that we find that the Examiner has as least satisfied the burden of presenting a prima facie case of anticipation. The burden is, therefore, upon Appellants to come forward with evidence and/or arguments which persuasively rebut the Examiner's prima facie case.

Appellants' arguments in response assert that the Examiner has not shown how each of the claimed features is present in the disclosure of Ludtke so as to establish a case of anticipation. In particular, Appellants' arguments focus on the contention that the Examiner has improperly construed the claim language "compatible operating configuration." According to Appellants (Br. 4-6; Reply Br. 3-5), the cited claim language must be interpreted as requiring the configuration of the graphics cards of the multiple display computers and not merely the partitioning of a video

data stream enabling a display across multiple display screens as in the Ludtke reference.

After careful review of the Ludtke reference in light of the arguments of record, however, we are in general agreement with the Examiner's position as stated in the Answer. In particular, we find that the Examiner did not err in finding that the master device 22 in Ludtke provides a "compatible operating configuration" for the slave display devices 24-40 as that claim terminology is interpreted in light of the Appellants' Specification.

Initially, we agree with the Examiner (Answer 14-15) that Appellants' arguments are not commensurate with the scope of the claims. In particular, while Appellants contend (Br. 4-5) that Ludtke's disclosed display configuration does not encompass the configuration of the graphics cards of the display computers, we find no such requirement in the language of the appealed claims. It is our opinion that Appellants' arguments improperly attempt to narrow the scope of the claim by implicitly adding disclosed limitations which have no basis in the claim. *See In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997).

Further, while Appellants argue (Br. 6) that Ludtke's described display configuration is directed to video stream partitioning and not to operating modes or states, such as in Appellants' non-limiting example of "stereo" and "mono" modes (Specification 7), we find clear evidence to the contrary in the disclosure of Ludtke. For example, as also mentioned by the Examiner (Answer 16), Ludtke discloses the configuration of the display devices to operate in various modes or states such as the exemplary "overlay" mode (col. 17, ll. 18-45) and "picture-in-picture" mode (col. 21, ll. 54-61).

We also make the observation that Appellants' disclosure describes display configuration options or commands as ones which "specify the operating conditions of the display, such as the display resolution ...." (Specification 8:3-11). We find a similar discussion of display resolution configuration in Ludtke which describes commands for setting each display device to an appropriate configuration (Ludtke, col. 20, ll. 18-19 and 26-32). We also agree with the Examiner that the multiple master device teachings of Ludtke (e.g., col. 19, ll. 49-52) satisfies the additional plural master computers and head computer requirements of independent claim 8.

Further, with respect to Appellants' comments with respect to language in the preambles of independent claims 1, 8, and 17, we don't necessarily disagree with Appellants' arguments (Br. 6-9; Reply Br. 2-4) that the language "collectively render a display" should be given patentable weight. We agree with the Examiner (Answer 18-20), however, that, even if such preamble language were given patentable weight, the claimed limitations would be satisfied by the disclosure of Ludtke. We simply fail to see why the configuration of display devices 24-40, as illustrated for example in Ludtke's Figure 2, would not be considered by the ordinarily skilled artisan to "collectively render a display" across the multiple display screens similar to what is illustrated in Appellants' Figure 15 illustration.

In view of the above discussion, since all of the claimed limitations are present in the disclosure of Ludtke, the Examiner's 35 U.S.C. § 102(e) rejection of independent claims 1, 8, and 17, as well as dependent claims 2, 3, 5, 7, 9-16, 18, and 19 not separately argued by Appellants, is sustained.

Turning to a consideration of the Examiner's U.S.C. § 102(e) rejection of separately argued dependent claims 4 and 6 based on Ludtke, we

sustain this rejection as well. We find no error in the Examiner's assertion (Answer 8 and 21-22) that the ordinarily skilled artisan would have recognized that the display configuration data stored in the slave display devices 24-40 of Ludtke files would have been translated from the master device configuration files and would necessarily have file identifiers, i.e., file names, in order to enable access from the master device 22. As discussed by Ludtke (col. 22, ll. 1-5), each of the display devices 24-40 "has status data structure that can be examined by the master device 22." As also mentioned by the Examiner (Answer 22), Appellants' Specification (8:6-8) recognizes that it is well known that "configuration options or commands may be specified through a configuration file that is stored under a known name an (sic, and) in a known location." We would further point out that it is well settled that, even if a reference fails to explicitly spell out every detail of a claimed invention, such a reference would anticipate a claim if it discloses the claimed invention "such that a skilled artisan could take its teachings in *combination with his own knowledge of the particular art and be in possession of the invention*." *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995), quoting from *In re LeGrice*, 301 F.2d 929, 936, 133 USPQ 365, 372 (CCPA 1962).

CONCLUSION

In summary, we have sustained the Examiner's 35 U.S.C. § 102(e) rejection of all the claims on appeal as being anticipated by Ludtke. Therefore, the decision of the Examiner rejecting claims 1-19 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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